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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/634,238 | 08/05/2003 | Helmut Harfmann | 1527/45 | 6400 |
| 7590 | 08/09/2005 | | EXAMINER | |
| Adams Evans P.A. 2180 Two Wachovia Center Charlotte, NC 28282 | | | | HUSBAND, SARAH E |
| | | ART UNIT | | PAPER NUMBER |
| | | 1746 | | |

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------------|---------------------|
| | 10/634,238 | HARFMANN, HELMUT |
| | Examiner Sarah E. Husband | Art Unit 1746 |

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 August 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/7/03 7/12/04.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: paragraph 2 and 6 contain references to "applicant's" US Patent No. 5,357,772 but it appears that this patent is not applicant's invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Langston (US Patent No. 3,505,836).

Langston discloses a chute (hopper) for a clothes washing machine having a rotatable drum (Fig. 2, Item 17) having front, lower and side walls an open rear surface in communication with the interior of the drum and an upper opening for receiving items into the drum, and a door connected to the chute to prevent suds and fluid from splashing out of the washing machine (Fig. 1, Item B; col. 1, ll. 59-63, col. 2, ll. 60-65).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have

the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaw (US Patent No. 6,463,768).

Shaw discloses a washing machine having a rotating drum (Fig. 2, Item 13; col. 4, ll. 50-55) and a hopper having front, lower and side walls with a closed bottom and side surfaces and an open rear surface to allow access into the drum. Shaw also discloses a splash door, i.e. splash shutter, movable between an open and closed position (Fig. 1, Item 30; col. 6, ll. 31-43). Shaw also shows the side walls are generally planar and spaced apart and the front wall (Fig. 1, Item 22b) is generally planar and the lower wall is arcuate and connected to the side walls and front wall (Fig. 1, Item 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Langston.

Shaw discloses the apparatus shown above in the 102(e) rejection. Shaw does not specifically disclose an observation window in one of the walls. Langston discloses the door can be made of glass (col. 3, ll. 19-20), which would allow the user to view the inside of the washing machine. Although this feature is not present in one of the walls, it would be within

the level of one of ordinary skill in the art to rearrange the viewing window to a side wall as it is common in the washing machine art to use a viewing window. The courts have also ruled that the rearrangement of parts is obvious, *In re Japikse* 86 USPQ 70 (CCPA 1950). Thus, it would have been obvious to add a viewing window to Shaw's washing machine because Langston's structure, as well as many other washing machines in the art, provides this feature.

Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Southwick (US Patent No. 4,561,268).

Shaw discloses the apparatus shown above in the 102(e) rejection. Shaw does not specifically disclose that the splash shutter comprises a plurality of interlocked slats, which are rotated onto a tube, and have a cord and pulley. Southwick discloses a slatted roll door in use with a washing machine and is automatically opened by an electric motor (Fig. 6, Item 30; col. 3, ll. 15-21, ll. 29-32, col. 2, ll. 63-65). Shaw and Southwick are analogous art because they are from the same field of endeavor, washing machines. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the splash door shown by Shaw with a slatted roll door because they provide the same function of covering or closing off an area and would be considered as an alternative to a door structure especially since Southwick discloses that the slatted door can be used with the washing machine.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Southwick (US Patent No. 4,561,268) and further in view of Burgess (US Patent No. 4,784,427).

Shaw and Southwick disclose the washing machine as shown above in the 103(a) rejection. Southwick does not specifically disclose a pulley and cord, however, the addition of these features to an automatic slatted roll door would be within the level of ordinary skill in the art to properly operate the machinery, which is described by Burgess. Burgess discloses a slatted roll cover having a bar (tube), which the slats are rolled onto, guide channels (tracks) for the slats to slide on (col. 3, ll. 28-50), pulleys and cables (cord) to provide tension and a crankshaft to rotate the bar (Fig. 4, Items 44, 57; col. 2, ll. 58-63; col. 4, ll. 6-14).

Shaw, Southwick and Burgess are analogous art because they disclose covers or doors for objects. Burgess provides the specific structure to the slatted roll door and it would be obvious to one of ordinary skill in the art to incorporate this structure in the slatted roll door in order for it to operate smoothly and provide tension to the slats (col. 2, ll. 57-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached at (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH 8/5/2005



**MICHAEL BARR
SUPERVISORY PATENT EXAMINER**